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SHORT LITERATURE NOTICES

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Steinbock, B. (ed.): 2007, *The Oxford Handbook of Bioethics*. New York: Oxford University Press. 747 pages. ISBN 978-0-19-927335-5. Price: £ 85.

The Oxford Handbook of Bioethics aims "to provide an up-to-date picture of the state of the art in bioethics". If the goal has been achieved, bioethics is a scholarly, predominantly philosophical and Anglo-American discipline that covers the ethical issues in our efforts—broadly construed—to improve human health on both the individual and the population level. Some readers will certainly disagree with this particular perspective on the field. They might argue that empirical, activist or international perspectives on bioethics are underrepresented in this handbook, or that bioethics spans issues far beyond the scope of those covered here. Given the wide spectrum of opinion about what bioethics is, and what it is not, it seems clear that no handbook of the field will satisfy all of its audience. There should be widespread agreement, however, that the *Oxford Handbook of Bioethics* is an impressive and stimulating collection of original essays on some of the deepest and most challenging ethical issues in how we maintain, restore and enhance human health.

Bonnie Steinbock, the *Handbook*'s editor, has assembled 30 contributions penned by both emerging and established bioethicists. The book is organized into eight parts, covering theoretical and methodological issues in bioethics, issues related to justice and policy, bodies and bodily parts, the end of life, reproduction and cloning, genetics and enhancement, research ethics, and public and global health. All essays are between 20–30 pages in length and provide their authors' particular take on a given topic. This can make familiarity with complex arguments and prior knowledge of the subject at hand a clear advantage. The *Oxford Handbook* is in fact less of a handbook and more of an edited volume on a broad range of bioethical issues.

Indeed, the status between handbook and edited volume is my primary complaint about the *Handbook*. The *Handbook* misses the unifying question of an edited volume, and hence the progress to an answer. But, the *Handbook* is also too detailed and charged with particular views to serve as a concise and ready reference or first orientation on respective topics. Most contributions aim to provide an overview of a subject and defend a view, but few succeed in doing both. This is why I was happiest when the authors decided to do only one of these things. Gerald Dworkin's essay on physician-assisted death, for example, is a superb and very nuanced introduction to a long-standing debate. Julian Savulescu's and Thomas Murray's engaging contributions on enhancement almost stand as opposing Pro and Con pieces, and Soren Holm's detailed exploration of the tensions between deliberative democracy and standard bioethics analysis is delightful. The *Oxford Handbook* contains many inspiring papers and therefore deserves a large audience. However, those looking for a concise bioethics reference or a coherent set of essays should turn to different sources.

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Battin, M.P., Francis, L.P., and Landesman, B.M. (eds.): 2007, *Death, Dying and the Ending of Life* Aldershot: Ashgate. 2 Vols. Volume I: 449 pages. Volume II: 517 pages. ISBN 978-0-7546-2174-4. Price: $475.

Questions around the subjects of death, dying and the ending of life remain a permanent and controversial public and scientific concern as recurring cases in end of life treatment show, e.g. recently the case of Eluana Englaro in Italy. In order not to lose a level that has already been achieved in bioethics, a collection of classical articles in fast evolving disciplines is a highly desirable research tool. The present volumes are part of a book series, the International Library of Medicine, Ethics and Law edited by Michael D. Freedman, pursuing the aim to provide such a tool. The claim in the series preface is to make available classical articles which may not be easily accessible due to the publication date and to the wide range of journals where they were published the first time.

The difficult task to present an excellent, interdisciplinary and balanced choice of such articles covering the most important fields in relation to the main subjects has been perfectly solved by the editors. In a clear and convincing logical order the material is arranged in four main parts: Death, Decision-making at the end of life, Hastening Death and Distributive Justice and Decisions about Life and Death. In total the two volumes contain 54 articles reprinted in their original format covering relevant debates from 1958 to 2003 while most of the articles have been published between 1985 and 1995. The authors are among the most renowned contemporary American bioethicists (e.g. David Callahan, Allan Buchanan, Dan Brock, Philippa Foot, and Norman Daniels). John Harris is the only European contributor, which in the case of bioethics might be justifiable even in an "international library" as American authors have provided the basis for the international development of the discipline, although some classical articles from other intellectual contexts and traditions would have been desirable.

Both volumes contain instructive and well-written introductions which finally make the anthology the most valuable and recommendable research tool the series introduction promises to provide. In times however where university librarians are facing more and more budget cuts (and most older articles are not anymore difficult to access due to the internet), the publishing house could have either tried to offer the book for a more affordable price or could have offered the reader more in return as, e.g., a more reader friendly print layout than just the partially downsized copies of the original journal layouts. A more detailed index and general bibliography would as well have added more scientific value to the book. However the references of the articles and the very well-structured chapters compensate this lack.

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Atighetchi, D.: 2007, *Islamic Bioethics: Problems and Perspectives*. New York: Springer. 378 pages. ISBN: 978-1402049613. Price: € 96.64.

This book gives an overview over selected (bio-)medical issues as they are discussed in the framework of Islamic law. It aims "to offer a first attempt at the unitary reflection on three levels (juridical reflection, national laws and conduct of the faithful)" (p. 10). After three introductory chapters lining out the multiple dimensions of contemporary Muslim bioethical reflection Atighetchi presents several chapters on concrete issues such as abortion, AIDS, end of life or female genital mutilation in eight chapters. This is concluded by a final chapter on modern trends in Qur'anic exegesis, which aim at proving that all modern scientific knowledge is already incorporated into or at least in accordance with the Qur'an. In a brief general conclusion the author points out the inherent plurality of bioethical positions within contemporary Muslim discourse (p. 353).

Dariusch Atighetchi has to be thanked for having performed a tremendous task by trying to integrate the many dispersed shorter publications on selected issues of Muslim bioethical reasoning into one big book thus creating an important point of departure and standard work of reference for future research in the rapidly emerging field of Islamic Bioethics. Especially for this reason he has also to be congratulated for having covered some hitherto underexplored issues within literature on Islamic Bioethics such as AIDS or Pre-Natal Diagnosis. Undoubtedly, his long standing research on the topic, which was only accessible in Italian until now, has now climaxed in this important book.

However, some critical remarks might be in order. For example, the pluralism of Islamic Bioethics, which is explained by "[t]he absence of a supreme juridical-religious authority" (p. 9), is somewhat at odds with the concluding chapter, that identifies two major trends of liberal and restrictive positions within Muslim Bioethical Debates (p. 353). Therefore the final sentence that "[t]here is not just one Islam but there are many" might still cause the question how these "many Islams" are to be analytically distinguished. Is it, for example, by sectarian affiliation (Sunni vs. Shi'i), by legal school (e.g. Maliki vs. Hanafi) or by certain ethical principles such as consequentialist vs. ontological reasoning? Also, the book relies almost exclusively on sources in Western languages while describing medical realities and ethical discussions that take place primarily in the Middle East. This might cause some frowns on a methodological plane, because most of the processes described in the book take place and are negotiated as well as abundantly documented in Persian and Arabic.

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Vollmann, J.: 2008, *Patientenselbstbestimmung und Selbstbestimmungsfähigkeit Beiträge zur Klinischen Ethik*. Stuttgart: Kohlhammer. 268 pages. ISBN: 978-3-17-019842-5. Price: € 38.

A patient's self-determination is one of the most important values in contemporary medicine. The traditional—patriarchal structured—doctor-patient relationship is *being gradually abandoned* in favour of a shared decision-making model and of informed consent. However, patient autonomy often meets its limitations due to a limited or non-existent *capacity for self-determination*. This is particularly the case for patients with mental or neurological disorders like dementia as well as for children and aging people. In such situations the discussion about an adequate treatment of the *patient's will* must be based on a theoretical approach and on practical clinical advice. This book offers—for the first time in the German-speaking area—a sound presentation of the scientific basics, including own investigations, as well as of the practical implementation.

The first part of the book, "The Patient's Autonomy/Will in Medicine", gives an introduction to the topic from different complementary perspectives such as history, ethics, legal, clinical, and health economics. The second part, entitled "Models and Conceptions", presents an ethical model to implement *self-determination* in the psychiatric setting, and discusses mental capacity in a relational model. Furthermore, it introduces the Mac Arthur Competence Assessment Test, which is today's standard instrument to determine *the level of capacity for self-determination*. He discusses that the test focuses on cognitive aspects and ignores widely factors like the normative framework and attitudes of the individual patient. The second part of the book offers a discussion of conceptual and methodological questions regarding the determination of *the mental capacity for self-determination* among children. The third part introduces four empirical studies on people suffering from a mental disease, which were done during the past few years. The fourth part covers the issue of *mental competence* among aging patients in relation to active euthanasia and assistance to suicide. It ends with a review of literature about different approaches towards medical assistance to suicide among several international psychiatrists. An outlook into the new and evolving area of clinical ethics—as a special domain of the medical ethics discussion in Germany—concludes the editorial part of the book.

The appendix offers the German translations of the research and diagnostic material.

The book is of a high standard and will constitute a useful companion for all professionals, in particular physicians and medical practitioners, who are working in this field. The author emphasises on a differentiated, well balanced and hands-on presentation of the topic, and he is far away from any over-intellectualized moralisation.

Manfred Buchberger and Gabriela Stoppe
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Markens, S.: 2007, *Surrogate Motherhood and the Politics of Reproduction*. Berkeley: University of California Press. 277 pages. ISBN: 978-0520252042. Price: $18.99.

An interesting Newsweek article from last year entitled "The Curious Lives of Surrogates" had brought to our attention the prevalence of wives of US soldiers choosing to become surrogates in order to supplement their family income. Given the rising rate of infertility, the lucrative nature of surrogacy and progress of assisted reproductive technology (ART), governments and legislatures across the USA have tried to respond accordingly, however, they have historically demonstrated a lack of adequate and consistent policy arrangements, as discussed in the first chapter of this book. Hence, there is no "clear sense of what rights and responsibilities accrue to the various parties involved" (p. 180). Underlying the surrogacy culture is a complex array of socio-political and ideological factors. Ethical debates about reproductive rights, reproductive autonomy, desirable familial/parental structures, the stigma of infertility and exploitation, all take place within a climate of commercialism and free market enterprise. However, the book demonstrates that the surrogacy issue is indeed much broader than a culture war of competing values and beliefs.

The core discussion begins in chapter two, which examines what constitutes the "best interests of children". Chapter 3 focuses on the discourse concerning surrogacy policy and how it is influenced by the way political debates about family and parenthood are framed. Chapter 4 discusses the media coverage of surrogacy "horror stories" and Chapter 5 contrasts the legislative responses between New York and California. The final chapter focuses on the importance of the feminist perspective since contentions largely reflect a lack of consensus in regards to what is in the best interests of women. The author discusses, from an historical perspective, the changing ideals about motherhood and family, and the expectations of them in light of the options presented by ART.

Given the exceptional relational outcomes that result from surrogacy and ART, societies will be forced to radically revise and assimilate their concepts of mother, father, son and daughter. Legislatures across the US are still struggling to follow in suit, thus making it difficult to avoid the potential mess that may arise despite the salience of many previous experiences as discussed in the book, none more so than the "Baby M" case. This book clearly

demonstrates the complexity, broadness and intertwining of the socio-political factors that form the landscape of the surrogacy culture in the US. An invaluable read for those interested in the politics and sociology of surrogacy.

Matthew M. Tieu
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Paterson, C.: 2008, *Assisted Suicide and Euthanasia. A Natural Law Ethics Approach*. Aldershot: Ashgate. 217 pages. ISBN: 978-0-7546-5745-3. Price: € 86.99.

In more than one respect Craig Paterson's natural law ethics distinctly differs from the ideas of other natural law philosophers, classical as well as contemporary. For starters, the author is deeply committed to a *secular* natural law ethics. Natural ethicists often trade on (Roman Catholic) moral theology, especially in the debate over the moral (and legal) status of euthanasia and assisted suicide. Paterson, however, is convinced that as 'privileged sources of information' revelation and faith cannot support a credible natural law approach to ethics, especially when faced with the reality of pluralism in contemporary society. In his view, a secularly grounded natural law ethics is indeed an ethics based on our natural human ability to reason but also one which abandons the idea of a supernatural ordering of man towards God. Instead, such a natural law approach should offer a 'polyteleological' notion of what constitutes the 'good life' for persons. In addition, such an ethics should provide for a solid framework for assessing the justification for (and limitation of) coercive force by the state over moral questions. Does Paterson offer a convincing secular defense of the 'sanctity-of-life'—principle? Is it always and everywhere morally wrong to intentionally kill an innocent person, regardless of further appeals to consequences or motives?

The author starts his line of reasoning by reviewing (in Chapter 2) the major ideas (*inter alia* quality-of-life, self-determination and the rejection of double effect reasoning) underlying the push for the moral acceptability of euthanasia, assisted suicide and some forms of suicide. After having explained his pluralistic account of primary goods, after having identified the practical requirements for choosing reasonably (in Chapter 3) and after having argued (in Chapter 4) that respect for and non-violation of the primary good of human life generates a concrete moral absolute never to intentionally kill an innocent person, whether as an end or as a means to an end, he returns to those ideas (in Chapter 5) and challenges them. After having argued (in Chapter 6) that all individualized human beings (higher brain dead included) are persons (who—therefore—may never be killed intentionally), he maps out (in the final chapter) the implications of the concrete moral absolute for suicide, assisted suicide and euthanasia as regards the use of state power.

Although the *Assisted Suicide and Euthanasia* certainly has its shortcomings—the statement that all the primary goods constitute ultimate reasons to act should have been followed up by a more thorough analysis of moral reasoning [as offered for example by Robert George in *In Defense of Natural Law* (1999)]—these are outweighed by the author's in-depth analysis of action and innocence, his convincing defense of the use of double effect reasoning and his persuasive arguments for upholding the action/omission distinction. *Assisted Suicide and Euthanasia* is definitely a must for those who intuitively have difficulty accepting arguments based on quality-of-life, personal autonomy or self-ownership as arguments for the decriminalization of assisted suicide and certain forms of euthanasia. Craig Paterson articulates their unease very well.

Martin Buijsen
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Glover, J.: 2006, *Choosing Children. The Ethical Dilemmas of Genetic Intervention*. New York: Oxford University Press. 120 pages. ISBN 0-199-29092-X. Price: $15.95.

Glover's book aims to answer a standard question discussed in the ethical debates on genetic intervention: should we welcome the powers to reduce the incidence of disabilities and disorders given to us by genetic and reproductive technologies? Over and above Glover reflects on the desirability and permissibility of human enhancement and considers it both as potentially dangerous and as something that may offer significant benefits to humankind. An interesting point in his approach is that we cannot differentiate prima facie between both aspects: his starting definition of "disability" as not only socially constructed and not only medical, too, but, according to the capabilities approach, as a lack of capabilities that are necessary to achieve worthy human functionings demands to consider the advantages and dangers of particular technologies regarding their influence on specific forms of human flourishing. In this sense the author offers more than the usual and simplifying dichotomy which regards these technologies either as dangerous and as to be prevented, or as welcome.

Glover is aware of one of the major problems of this definition, which refers to the necessity of defining what human flourishing is or should be, and Glover's treatment

of some cases shows that his account will not remain uncontested. For example, in his opinion, the parental choice of using technologies to choose a "deaf child" should be respected. It is unquestionable that a deaf person can flourish. But to allow the intentional choice of a child with fewer possibilities to develop some forms of human flourishing can reasonably be put in question even by the capabilities approach.

Glover differentiates this case from the case of deliberately intervening at the fetal stage and making a hearing child deaf, which would be wrong. He discusses Parfit's well known Non-Identity-Thesis. According to Glover, Parfit is right to stress the issue that some acts that do not harm anyone can still make the world worse compared to the effects of an alternative course of action on potential people. But Glover criticizes Parfit's approach as defining the whole ethics. Instead of this, he proposes a "supplementary approach" (p. 46) which additionally considers (recurring to Scanlon's Theory) what we owe to people. In contrast to the case of choosing a deaf child, who would be glad to exist if the alternative action of choosing a hearing child implicates his non-existence, the use of technology to make a potentially hearing child deaf does not respect what we owe to him and should be criticized (but this criticism should be extended to the case of parents refusing cochlear implants, what Glover does not do!). A central problem of Glover's "supplementary approach" of ethics is that it does not offer any criteria to define how this hybrid conception of ethics works, that is, which one of the two competing theories takes precedence in which case. In my opinion it is not clear if this aim can be achieved.

Glover's book is informative, argumentative and well structured. It discusses most of the positions in the current debate about enhancement. The price for its shortness is that some ideas and arguments are not deeply enough discussed—so at the end this book remains (admittedly) speculative.

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Beauchamp, T. L. and Childress, J. F.: 2008, *Principles of Biomedical Ethics*, 6th edn. New York: Oxford University Press. 432 pages. ISBN 978-0195335705. Price: € 37.99.

Eight years after the fifth edition and more than 30 years after the first edition, a new edition of *Principles of Biomedical Ethics* appeared. Like the previous editions this one includes a lot of significant changes, although not in the overall structure of the theory well known as principlism. While the main change between the third and the fourth edition probably has been on the level of methodology (in the form of making more explicit the meta-ethical outlook of principlism), since the fifth edition (2001) Beauchamp and Childress have emphasized both the importance of a virtue-ethical-approach and the foundational role of common morality as the starting point and final standard of their theory. This trend is going on in this sixth edition also: On the one hand they count care ethics now as a variant of virtue ethics and have expanded their theory of common morality (in the first and the final chapter of this new edition). Additionally Beauchamp and Childress have added a new chapter dealing with the moral status of entities which has become subject of many discussions in the last ten years and has given rise to different approaches. In this chapter one can see how principlism as a flexible, pluralistic and a theory operating on the mid-level of justification is able to integrate important aspects of this debate without being in danger to become a fixed and one-sided approach.

Besides this the reader can find discussions of some new topics which have become important in recent years (e.g., globalization and justice in international relations) or of topics according to which philosophical debates have made progress in between (e.g., paternalism) or which needed an actualised discussion because of developments in law or society.

Finally, it should be said that Beauchamp and Childress throughout this edition try to show that their theory is wrongly blamed with two criticisms: Neither can principlism be accused of simply applying the four principles (respect for autonomy, nonmaleficence, beneficence, justice) in a deductive manner, nor is it true that respect for autonomy rules out the other principles in case of conflict. So, although this sixth edition has basically the same structure as the last one, there is a lot of improvement in detail. This edition is surely better suitable and accessible for beginners in the field. In some rare parts (e.g. the discussions of theories of autonomy or personhood) the advanced reader should consult the fifth (and, I personally would recommend this); the fourth edition also which gives to understand more of principlism's deep structure than this new edition. But without doubt: the *Principles of Biomedical Ethics* will stay to be the most important and influential account in bioethics.

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Sandel, M.: 2007, *The Case against Perfection. Ethics in the Age of Genetic Engineering*. Cambridge, Mass: The Belknap Press of Harvard University Press. 162 pages. ISBN: 978-0674019270. Price: $18.95.

The aim of Sandel's book is to make a case against the engineering and the improvement of human nature. But what—if anything—is wrong with enhancement? He recognizes that it is a complicated task to articulate his *unease* (or *our unease*—he prefers the plural form in his book). The usual philosophical arguments like for example safety, fairness, two class society, autonomy of the enhanced human beings etc. are not deep enough: It is always possible to imagine scenarios in which these arguments do not apply. Enhancement technologies might be safe, access could be guaranteed, or enhancement could not impair the autonomy of the subject etc. Instead "we need to confront questions largely lost from view in the modern world—questions about the moral status of nature, and about the proper stance of human beings toward the given world." (p. 9)

According to this idea the author articulates two interlinked kinds of arguments—the later and deeper one supporting the first. In a strictly communitarian vein the first kind of arguments refers to the fate of different *human goods* embodied in *social practices* in case that enhancement becomes a regular social practice. For example, what we appreciate and admire in sports (or other activities like playing music or singing) is the excellence of the performer. If his performance can be traced back to forms of enhancement (either because of drug use, technological advances or gene-enhancement etc.—Sandel recognizes that the form of enhancement does not play the main morally relevant role) we lose the object of appreciation: If every player is enhanced the *essence of the game* gets lost. Or consider parenting, an issue that Sandel deals with extensively: The human good embodied in parenting is *unconditional love*. If parents can determine the skills and characteristics of their children this good would be in danger—the love would be conditional on certain achievements or features. But there are strong criticisms of these arguments: They are arguments only if one accepts the absolute priority of the particular goods to be defended, but this does not need to be the case.

It is Sandel's second argument that may support his first one. According to this argument, which is the central one of book, what is wrong with enhancement is the *drive to mastery*. That is the well-known issue of the Promethean aspiration, in this case, to remake human nature. Instead we should recognize the *giftedness of life*—and "feel its moral weight" (p. 95), that is: To accept the given and correspondingly to refuse enhancement technologies. But the pressing question is: Why should we do that? Sandel admits that this kind of argument verges on theology. But he believes we can accept them without a religious sensibility as well. We have only to recognize that our talents are endowments exceeding our control whether we have to thank nature, fortune or god for them (p. 93). But the problem with this point is evident: Even if this recognition is clearly possible without believing in a particular god or having spiritual inclinations of any sort, the acceptance of its supposed *moral weight* does not work without an entity to thank for. If we think that our talents are the result of the fortune or of the lottery of nature we do not have any reason to be thankful for that. Instead we have every reason to feel fortunate—but feeling fortunate does not implicate that we have to recognize the moral weight of the given in the sense of a refusal of any form of enhancement. The so called "ethics of giftedness" can make a case against enhancement only under the supposition that, like in the Promethean case, there is a god of sacred entity we are accountable to. But this cannot be considered as a valid argument within pluralist societies. Even if Sandel's book deals seriously with the debate, it can hardly make the case against enhancement the author strives for.

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